

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**PARKERSBURG DIVISION**

MONTE CRISTIA,

Plaintiff,

v.

CIVIL ACTION NO. 6:09-cv-01311

ROBERT NEWELL, et al.,

Defendants.

**ORDER**

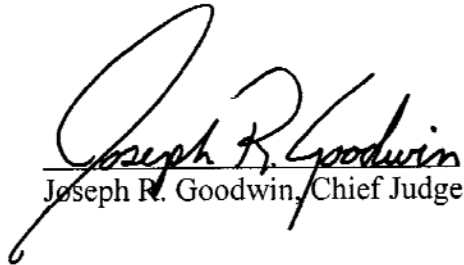
Pending before the court is the defendants' Motion to Dismiss [Docket 23] and the plaintiff's Emergency Exparte [sic] Motion for Order of Protection [Docket 26]. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and has recommended that the court **GRANT** the defendants' Motion, **DISMISS** the plaintiff's complaint [Docket 2] for failure to state a claim and **DENY** the plaintiff's Emergency Motion. No party has filed objections to the Magistrate Judge's findings and recommendations.

The failure to object to a magistrate judge's report may be deemed a waiver of appeal of the substance of the report and the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983); *Campbell v. United States D. Ct. N.D. Cal.*, 501 F.2d 196, 206 (9th Cir. 1974). The

court has reviewed the Magistrate Judge's findings of fact and recommendations and finds no clear error on the face of the record. Therefore, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and orders judgment consistent with the findings and recommendations. The court hereby **DENIES** the plaintiff's Emergency Exparte [sic] Motion for Order of Protection [Docket 26], **GRANTS** the defendants' Motion to Dismiss [Docket 23], **DISMISSES** the plaintiff's complaint [Docket 2], and **DIRECTS** this action to be removed from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 3, 2011



Joseph R. Goodwin, Chief Judge